

BRIAN J. FOLEY, Attorney at Law

BY: **BRIAN J. FOLEY, ESQ.** (PA ID No. 68806)

6701 Germantown Avenue, Suite 200

Philadelphia, PA 19119

(267) 930-4425 v

(267) 930-4427 f

Attorney for Plaintiff Marilyn Gaye Piety Foley

**IN THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

Marilyn Gaye Piety Foley
Plaintiff

v.

Drexel University, et al.
Defendants.

CIVIL ACTION

**NO. 22-cv
01777-GEKP**

**Plaintiff Marilyn Gaye Piety Foley's Supplemental Sur-Reply in Opposition to
Defendants' Partial Motion to Dismiss Plaintiff's Verified Amended
Complaint**

Plaintiff has received a Notice of Right to Sue (NRTS) dated May 4, 2023 regarding her Charge dual-filed with the EEOC and PHRC on September 2, 2022, and amended on October 7, 2022 (Charge No. 530-2022-06691). Accordingly, the claims in the Verified Amended Complaint regarding Defendants' retaliatory- and HWE- course cancelation on or about March 7, 2022 have been exhausted.

See Verified Amended Complaint ¶¶ 310-315 (Doc. 14)). This event is additional

evidence of Defendants' pattern of canceling Dr. Piety's courses. *See, e.g., id.* at ¶¶ 44, 241-242, 254, 256-257.

Accordingly, this Court should deny Defendants' partial motion to dismiss in its entirety and order Defendants to file an Answer.

Respectfully submitted,



BRIAN J. FOLEY, ESQUIRE
6701 Germantown Ave - Ste 200
Philadelphia, PA 19119
(267) 930-4425 v (267) 930-4425 f
Attorney for Plaintiff

Dated: May 5, 2023

CERTIFICATE OF SERVICE

I, BRIAN J. FOLEY, ESQ., attorney for Plaintiff, Marilyn Gaye Piety Foley, hereby certify that on the date below that a true and correct copy of the foregoing Supplemental *Sur-Reply* in Opposition to Defendants' Partial Motion to Dismiss Plaintiff's Verified Amended Complaint was filed electronically and is available for viewing and downloading from the Court's ECF system and was served upon the following counsel of record for all Defendants through the Court's ECF system:

Joe H. Tucker, Esquire
jtucker@tlgattorneys.com

Leslie Greenspan, Esquire
lgreenspan@tlgattorneys.com

Hillary Weinsten
hweinstein@tlgattorneys.com

Tucker Law Group
1801 Market Street, Ste 2500
Philadelphia, PA 19103 Phone: (215) 875-0609



Brian J. Foley, Esquire

Date: May 5, 2023